

**AMENDMENTS TO THE CLAIMS**

This Listing of Claims will replace all prior versions, and listings, of Claims in the Application:

**Listing of Claims.**

1 - 69 (CANCELLED)

70 (NEW): A battery, comprising:

a positive electrode comprising positive electrode active material particles having an inner region and an outer region, wherein the inner region comprises a cubic spinel lithiated manganese oxide, and the outer region comprises  $A_2MnO_3$ , wherein A is an alkali metal other than lithium (Li);

the battery further comprising a negative electrode; and

an electrolyte.

71 (NEW): The battery according to Claim 70, wherein the cubic spinel lithiated manganese oxide is represented by the formula  $Li_{1+x}Mn_{2-x}O_4$ , wherein  $0 \leq x < 0.2$ .

72 (NEW): The battery according to Claim 71, wherein  $0.081 \leq x < 0.2$ .

73 (NEW): The battery according to Claim 72, wherein A is Na.

74 (NEW): The battery according to Claim 70, wherein A is Na.

75 (NEW): The battery according to Claim 70, wherein the negative electrode comprises an intercalation active material.

76 (NEW): The battery according to Claim 75, wherein the intercalation active material is graphite.

77 (NEW): The battery according to Claim 75, wherein the electrolyte comprises a solvent selected from the group consisting of gamma-butyrolactone, tetrahydrofuran, propylene carbonate, vinylene carbonate, ethylene carbonate, dimethyl carbonate, diethyl carbonate, butylene carbonate, methyl-ethyl carbonate, dipropyl carbonate, dibutyl carbonate, diethoxy ethane, ethyl-methyl carbonate, dimethoxyethane, and dioxolane.

78 (NEW): The battery according to Claim 70, wherein the positive electrode active material is prepared by a process comprising the step of reacting starting material cubic spinel lithiated manganese oxide particles with an alkali metal compound for a time and at a temperature sufficient to oxidize at least a portion of the  $Mn^{+3}$  in the cubic spinel starting material particles to  $Mn^{+4}$ , wherein the alkali metal compound contains an alkali metal other than lithium (Li).

79 (NEW): The battery according to Claim 78, wherein the positive electrode active material is characterized by a lattice parameter 'a' that is larger than the lattice parameter 'a' of untreated spinel lithiated manganese oxide particles.

80 (NEW): The battery according to Claim 78, wherein the positive electrode active material is characterized by a lattice parameter 'a' that is smaller than the lattice parameter 'a' of untreated spinel lithiated manganese oxide particles.

81 (NEW): The battery according to Claim 78, wherein the alkali metal compound is selected from the group consisting of alkali metal carbonates, metal oxides, hydroxides, sulfates, aluminates, phosphates and silicates.

82 (NEW): The battery according to Claim 78, wherein the alkali metal compound is an alkali metal phosphate.

83 (NEW): The battery according to Claim 78, wherein the alkali metal compound is an alkali metal hydroxide.

84 (NEW): The battery according to Claim 78, wherein the alkali metal compound is an alkali metal carbonate.

85 (NEW): The battery according to Claim 78, wherein oxidation to  $Mn^{+4}$  occurs at the surface of the starting material cubic spinel lithiated manganese oxide particles.

86 (NEW): The battery according to Claim 78, wherein the step of reacting starting material cubic spinel lithiated manganese oxide particles with an alkali metal compound is carried out at a temperature of between 600°C and 750°C.

87 (NEW): The battery according to Claim 78, wherein the starting material is represented by the formula  $Li_{1-x}Mn_{2-x}O_4$ , wherein  $0 \leq x \leq 0.2$ .

88 (NEW): The battery according to Claim 87, wherein  $0.081 \leq x < 0.2$ .

89 (NEW): The battery according to Claim 87, wherein A is Na.

90 (NEW): The battery according to Claim 78, wherein A is Na.

91 (NEW): The battery according to Claim 78, wherein the negative electrode comprises an intercalation active material.

92 (NEW): The battery according to Claim 91, wherein the intercalation active material is graphite.

93 (NEW): The battery according to Claim 91, wherein the electrolyte comprises a solvent selected from the group consisting of gamma-butyrolactone, tetrahydrofuran, propylene carbonate, vinylene carbonate, ethylene carbonate, dimethyl carbonate, diethyl carbonate, butylene carbonate, methyl-ethyl carbonate, dipropyl carbonate, dibutyl carbonate, diethoxy ethane, ethyl-methyl carbonate, dimethoxyethane, and dioxolane.